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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2003 Assembly Bill 50</b>	<b>Assembly Amendment 1 and Senate Amendment 1</b>
<i>Memo published: March 16, 2004</i>	<i>Contact: Don Dyke, Senior Staff Attorney (266-0292) Mary Offerdahl, Staff Attorney (266-2230)</i>

Current statutes establish a variety of fees for services performed by sheriffs (the fees also apply to similar services performed by city, village, and town law enforcement). [ss. 814.70 and 814.71, Stats.] Current law also allows the county board to establish a fee higher than the statutorily prescribed fee for certain sheriff services. [s. 814.705 (1) (a), Stats.] (Cities, villages, and towns have similar authority for fees applicable to their law enforcement; s. 814.705 (1) (b) to (d), Stats.)

**Assembly Bill 50** permits a higher fee to be set by the county board: (1) for service of writs or other process by the sheriff in connection with the property seizure and evictions (the current fee is \$8); and (2) for each deputy sheriff assigned to inventory property when seizing property in connection with attachment, replevin, or execution, or when evicting on a writ of restitution or writ of assistance (the current fee is \$10 per hour).

**Assembly Amendment 1** limits the fee that a county board may set higher than the statutorily prescribed fee so as “not to exceed the actual costs incurred for seizures and evictions.”

**Senate Amendment 1** clarifies that the “not to exceed the actual costs incurred for seizures and evictions” limitation referred to in the above description of Assembly Amendment 1 applies just to sheriff’s fees for the seizure of property or evictions, and not to any other sheriff’s fees that a county board may set higher than statutorily prescribed fees (such as fees for service of process, execution of judgment, and travel related to civil and criminal process).

### Legislative History

Assembly Amendment 1 was introduced by Representatives Ladwig, Nass, Bies, and Friske. It was adopted by the Assembly on a voice vote on May 6, 2003.

Senate Amendment 1 was introduced and recommended for adoption, and concurrence in Assembly Bill 50 as amended was recommended by the Senate Committee on Homeland Security,

Veterans and Military Affairs and Government Reform on October 21, 2003, both by votes of Ayes, 5; Noes, 0. On March 11, 2004, the Senate adopted Senate Amendment 1 and concurred in 2003 Assembly Bill 50, as amended, by voice vote.

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